

MONDAY, MARCH 20, 1995

TWENTY-SECOND LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by the Rev. Glenn Forsee, First Assembly of God, Shelbyville, Tennessee.

Representative Phillips led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 97

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kieser, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; illness.

PRESENT IN CHAMBER

Representative(s) Odom was/were recorded as being present in the Chamber.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 66:** Rep(s). Naifeh, Napier, Jones R (Shelby), Fitzhugh, Turner (Shelby), Bowers, Curtiss, DeBerry J, Givens, McMillan, McDonald, Kernell, Langster, Williams (Williamson),

**MONDAY, MARCH 20, 1995 -- TWENTY-SECOND LEGISLATIVE DAY**

Herron, Pinion, Armstrong, Towns, Eckles, Lewis, Kisber, McDaniel, Bittle, Stamps and Halteman Harwell as prime sponsor(s).

**House Joint Resolution No. 106:** Rep(s). Langster and Cantrell as prime sponsor(s).

**House Bill No. 42:** Rep(s). Boyer as prime sponsor(s).

**House Bill No. 152:** Rep(s). Jackson as prime sponsor(s).

**House Bill No. 1023:** Rep(s). Hargrove as prime sponsor(s).

**House Bill No. 1274:** Rep(s). Stulce, Turner (Hamilton), Kisber, Phelan, Windle, Williams (Union), Boyer, Hargrove and Herron as prime sponsor(s).

**House Bill No. 1296:** Rep(s). Langster as prime sponsor(s).

**SIGNED**

**March 17, 1995**

The Speaker signed the following: Senate Bill(s) No(s). 37, 333, 474, 587, 686 and 1315; also, Senate Joint Resolution(s) No(s). 89, 90, 91 and 99.

**ENROLLED BILLS**

**March 17, 1995**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1189; House Joint Resolution(s) No(s). 134, 136, 137, 138, 139, 140, 142, 145, 146 and 155; also, House Resolution(s) No(s). 27 and 28.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**March 17, 1995**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 72, 75, 76, 77, 79, 87, 92, 93, 94, 95, 100, 101, 102, 103, 104, 105, 111, 112, 122 and 126, with his approval.

HARDY MAYS, Counsel to the Governor.

**SIGNED**

**March 17, 1995**

The Speaker signed the following: House Bill(s) No(s). 1189; House Joint Resolution(s) No(s). 134, 136, 137, 138, 139, 140, 142, 145, 146 and 155; also, House Resolution(s) No(s). 27 and 28.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR  
March 17, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 51, 52, 892, 896, 1174, 1240 and 1275, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR  
March 17, 1995

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 286, 532 and 614, without his signature.

HARDY MAYS, Counsel to the Governor.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 163 -- General Assembly,  
Confirmation of Appointment -- L. Earl Bentz, Wildlife Resources  
Commission. by \*Halteman Harwell.

Conservation and Environment Committee

House Joint Resolution No. 164 -- General Assembly,  
Confirmation of Appointment--Dr. Winston Pannell, Wildlife Resources  
Commission. by \*Westmoreland.

Conservation and Environment Committee

House Joint Resolution No. 165 -- General Assembly,  
Confirmation of Appointment -- John F. Smolko, Jr., Wildlife Resources  
Commission. by \*Kent.

Conservation and Environment Committee

\*House Joint Resolution No. 166 -- Highway Signs -- "Dennis  
Rushing Bridge," Rushing Creek, old SR 69, Benton County. by \*Peach.

Transportation Committee

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 22, 1995:

House Resolution No. 29 -- Memorials, Personal Occasion--Iva  
Lee Seaton Byrd; 90th Birthday. by \*Patton.

House Joint Resolution No. 168 -- Memorials, Recognition and  
Thanks--Savannah Junior Auxiliary. by \*Rinks.

House Joint Resolution No. 170 -- Memorials, Recognition and  
Thanks--94th Annual Militaire Beautillon. by \*Jones R (Shelby).

### INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1849** -- Tullahoma -- Subject to local approval, establishes school bond sinking fund. Amends Chapter 553, Acts of 1903, as amended. by \*Lewis.

**House Bill No. 1850** -- Oneida -- Subject to local approval, revises charter relative to duties of mayor, board of aldermen and chief of police. Amends Chapter 211, Private Acts of 1917, as amended. by \*Winningham.

**House Bill No. 1851** -- Dekalb County -- Subject to local approval, authorizes hotel/motel tax. by \*Buck.

### DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 1852 and 1853 was/were referred to the Delayed Bills Committee.

**\*House Bill No. 1852** -- Courts, Juvenile--Subject to local approval, requires juvenile court judge serving as general sessions court judge, who is not a licensed attorney on August 1, 1998, to be a licensed attorney in order to serve as general sessions court judge, beginning September 1, 1998. Amends TCA 16-15-5005. by \*Pinion.

**House Bill No. 1853** -- County Boundaries--Establishes portion of county line between Carroll and Henry counties from point line intersects east line from Weakley County to point line crosses center of S.R. 76. by \*Herron, \*Phelan.

### SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

**\*Senate Bill No. 148** -- Salaries and Benefits -- Authorizes eligible full time state employees with 36 months of full time service to receive longevity pay for prior part time work if hours of part time work are equivalent to not less than five years. Amends TCA 8-23-206. by \*Crutchfield.

**Senate Bill No. 1250** -- Municipal Government -- Revises incorporation provisions to permit Scott County to use standard which permits incorporations when territory is more than two miles outside an existing municipality if existing municipality given 15 months to annex such territory, rather than present law which prohibits incorporations within three miles of existing municipality. Amends TCA Section 6-1-201. by \*O'Brien.

**\*Senate Bill No. 1425** -- Public Printing -- Requires state public records and documents to be printed on alkaline paper effective January 1, 2000. Amends TCA Title 12, Chapter 7. by \*Gilbert.

**\*Senate Bill No. 1480** -- Utilities, Utility Districts -- Allows natural gas utility districts which serve customers in Unicoi County to grant, through resolution adopted by district's board of directors, funding for chambers of commerce and economic and community organizations. Amends TCA Section 7-82-304. by \*Haun.

**\*Senate Bill No. 1570** -- Utilities, Utility Districts -- Transfers responsibility over water and waste water treatment authority from board to county executive in Hamilton County. Amends TCA Title 5, Chapter 6. by \*Crutchfield, \*Rochelle.

**\*Senate Bill No. 1681** -- Election Laws -- Relaxes requirement that address of person signing qualifying petition be same on petition as on voter registration if address given on petition is also located in district for which qualifying petition deals. Amends TCA Title 2, Chapter 1. by \*Cohen.

#### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1845 -- Columbia -- Local Bill Held on House Desk

House Bill No. 1846 -- Kingsport -- Local Bill Held on House Desk

House Bill No. 1847 -- Jackson -- Local Bill Held on House Desk

#### CONSENT CALENDAR

**House Joint Resolution No. 66** -- Naming and Designating -- "State Employee Week," June 18-24, 1995. by \*Ridgeway, \*Purcell.

**\*House Bill No. 172** -- Courts, Probate -- Allows chancery courts and courts with probate jurisdiction to appoint co-trustees as well as trustees. Amends TCA Section 35-1-101. by \*Fowlkes (SB252 by \*Jordan).

**House Bill No. 171** -- Probate Law -- Allows venue for appointment and removal of probate trustees in county where any beneficiary of trust estate resides in addition to present law allowing venue where trustee resides or any portion of trust property is located. Amends TCA Section 35-1-102. by \*Fowlkes (\*SB253 by \*Jordan).

**House Bill No. 1024** -- Metropolitan Government -- Authorizes metropolitan government to appropriate funds to any nonprofit organization; requires nonprofit organization to file statement of purpose with clerk of metropolitan council and copy of annual audit;

requires clerk to publish list of all nonprofit organizations receiving funds; excludes nonprofit groups involved in performing or literary arts. Amends TCA Title 7, Chapter 3. by \*West, \*Robinson, \*Pruitt, \*Langster, \*Arriola, \*Halteman Harwell, \*Garrett, \*Purcell (\*SB903 by \*Harper, \*Haynes, \*Rochelle, \*Henry).

**House Bill No. 1023** -- Traffic Safety -- Authorizes any county, including county having metropolitan form of government, through sheriff's office to operate sober ride program which may include providing rides to persons who request transportation to avoid DUI. Amends TCA Title 5. by \*West, \*Pruitt, \*Langster, \*Robinson, \*Odom, \*Arriola, \*Halteman Harwell, \*Burchett, \*Jones, S., \*Purcell (\*SB785 by \*Haynes).

**House Bill No. 967** -- Taxes, Sales -- Treats as part of boat unit for calculating single article under local option sales tax, boat motors and other parts or accessories for boats, excluding trailers. Amends TCA 67-6-702(d). by \*Rinks, \*Turner (Hamilton), \*Bragg, \*Purcell, \*West, \*Head, \*Kisber (\*SB1448 by \*Rochelle).

**House Bill No. 1439** -- Motor Vehicles -- Exempts from axle weight limitation trucks hauling agricultural limestone. Amends TCA Title 55, Chapter 7, Part 2. by \*Roach, \*Patton (\*SB1533 by \*Wallace).

**\*House Bill No. 667** -- Taxes, Real Property -- Exempts from property tax all residential units housing faculty and staff located on Johnson Bible College Campus. Amends TCA Title 67, Chapter 5, Part 2. by \*Ritchie ( SB1016 by \*Atchley).

**\*House Bill No. 489** -- Utilities, Utility Districts -- Clarifies that no provision shall be construed to prohibit utility district from becoming member of local chamber of commerce. Amends TCA Title 7, Chapter 82. by \*Phelan (SB982 by \*Carter).

On motion, House Bill No. 489 was made to conform with **Senate Bill No. 982**; the Senate Bill was substituted for the House Bill.

**House Bill No. 383** -- Taxes, Gasoline, Petroleum Products -- Relaxes requirements on purchasers of dyed diesel fuel for exempt use, while imposing disclosure requirements on sellers of such fuel. Amends TCA Title 67, Chapter 3. by \*Givens, \*Davidson, \*Bell, \*Callicott, \*Head, \*Roach (\*SB 384 by \*Haun).

**\*House Bill No. 42** -- Real Property -- Expands present procedures for disposing of property acquired through eminent domain by department of transportation for rights of way, to include property acquired in any manner. Amends TCA 2917-1203. by \*Stulce, \*Rigsby, \*Lewis, \*Williams (Williamson), \*Pinion(SB139 by \*Crutchfield).

**\*House Bill No. 1130** -- Highway Signs -- "Ellis Thomas Memorial Bridge," Brawley Creek, S.R. 99, Bradyville. Amends TCA. by \*Buck (SB1700 by \*Burks).

On motion, House Bill No. 1130 was made to conform with **Senate Bill No. 1700**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 1237** -- Highway Signs -- "Paul L. Brandon Memorial Bridge," Bradyville Road, Cannon County. by \*Buck (SB 1701 by \*Burks).

On motion, House Bill No. 1237 was made to conform with **Senate Bill No. 1701**; the Senate Bill was substituted for the House Bill.

**House Bill No. 163** -- Fire Prevention and Investigation -- Adds chief of incorporated fire department within geographic fire response district established in county but outside municipality to those persons who can act as advisor on fire safety matters to commissioner of commerce and insurance. Amends TCA 68-102-108. by \*Stulce (\*SB200 by \*Crutchfield).

**House Bill No. 1831** -- Weakley County -- Subject to local approval, revises provisions relative to county highway commission, county highway supervisor, county highway department and road laws. Amends Chapter 640, Private Acts of 1949, as amended. by \*Herron (SB1823 by \*Hamilton).

On motion, House Bill No. 1831 was made to conform with **Senate Bill No. 1823**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1832** -- Shelbyville -- Subject to local approval, revises charter. Amends Chapter 754, Private Acts of 1947, as amended. by \*Phillips (SB1822 by \*Womack).

**House Bill No. 1833** -- Dyer -- Subject to local approval, revises charter relative to the powers of mayor and board of aldermen. Amends Chapter 267, Acts of 1899, as amended. by \*Phelan (SB1819 by \*Carter).

**House Bill No. 1834** -- Baileytown -- Subject to local approval, establishes new dates for election of mayor and aldermen. Amends Chapter 192, Private Acts of 1994. by \*Whitson (SB1824 by \*Haun).

**House Bill No. 1836** -- Kingsport -- Subject to local approval, authorizes electronic voting by members of board of mayor and aldermen. Amends Chapter 76, Private Acts of 1917, as amended. by \*Westmoreland, \*McDaniel, \*Ramsey, \*Venable (SB1831 by \*Holcomb).

**House Bill No. 1838** -- Jackson -- Subject to local approval, revises charter to provide for election of judge and clerk of city court in accordance with general laws. Amends Chapter 101 of the Private Acts of 1993. by \*Kisber (SB1829 by \*Carter).

**House Bill No. 1841** -- Dyer -- Subject to local approval, revises duties of city judge. Amends Chapter 267 of the Acts of 1899, as amended. by \*Phelan (SB1828 by \*Carter).

**Senate Joint Resolution No. 94** -- Memorials, Recognition and Thanks -- Virginia "Ginger" Turner. by \*Haynes.

**Senate Joint Resolution No. 95** -- Memorials, Congratulations -- Derek E. Geeting, First place winner in the Math Contest in Geometry for the 1993-1994 school year. by \*Womack.

**Senate Joint Resolution No. 96** -- Memorials, Death -- Mary Alma Greer Ledbetter. by \*O'Brien, \*Springer, \*Wallace, \*Wilder, \*Kyle.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 42:** by Rep. Chumney.

**House Bill No. 163:** by Rep. Stulce.

**House Bill No. 967:** by Rep. Kerr.

Under the rules, House Bill(s) No(s). 42, 163 and 967 was/were placed at the foot of the calendar for Wednesday, March 22, 1995.

Pursuant to **Rule No. 50**, Rep. Turner (Hamilton) moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 97  
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on the Consent Calendar and have this statement entered in the Journal: Rep(s). Windle.

#### REGULAR CALENDAR

**House Bill No. 1211** -- Education -- Expands duties and responsibilities of select oversight committee on education to include such other programs, initiatives or topics for study as the members deem appropriate to further the cause of public education. Amends TCA Section 3-15-301(b). by \*Davidson(\*SB671 by \*Womack).

On motion, House Bill No. 1211 was made to conform with **Senate Bill No. 671**; the Senate Bill was substituted for the House Bill.



Rep. Davidson moved that **Senate Bill No. 671** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97  
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 671 and have this statement entered in the Journal: Rep(s). Windle.

#### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 1234** -- Education -- Allows instructional time accrued by public or private schools in excess of 6.5 hours per day to be used for staff development time as well as making up days lost to bad weather. Amends TCA Section 49-6-3004. by \*Davidson (SB1697 by \*Burks).

Rep. Davidson moved that House Bill No. 1234 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 1234 by adding the following new sentences at the end of the amendatory language in Section 1 of the printed bill:

The state board shall consult with the commissioner of education in developing the rules. All proposals for use of excess time for professional development shall be approved by the commissioner of education.

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved that **House Bill No. 1234**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98  
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 1234 and have this statement entered in the Journal: Rep(s). Windle.

#### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 693** -- Gas, Petroleum Products, Volatile Oils -  
- Revises Liquefied Petroleum Safety Act. Amends TCA Title 68,  
Chapter 135. by \*Head (SB1115 by \*Cooper).

Rep. Head moved that House Bill No. 693 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 693 by deleting Section 1.

AND FURTHER AMEND by deleting from Section 9 the language  
" one hundred dollars (\$100) and substituting instead the language  
" seventy dollars (\$70)" .

AND FURTHER AMEND by deleting from Section 10 the language  
" one hundred dollars (\$100) and substituting instead the language  
" seventy dollars (\$70)" .

AND FURTHER AMEND by adding before the effective date  
section the following new section and by renumbering the effective  
date section accordingly:

SECTION\_\_\_. Tennessee Code Annotated, Section 68-135-104(4), is amended by deleting subdivision (B) and substituting instead the following:

(B) Must pay biennially a permit fee in the sum of three hundred dollars (\$300).

On motion, Amendment No. 1 was adopted.

Rep. Joyce moved House Bill No. 693 be reset to the Calendar for Monday, March 27, 1995, which motion prevailed.

**\*House Bill No. 321 -- Animals --** Expands present law creating Class C misdemeanor to place poisonous substance causing death or injury to animals on property of another; if person knowingly places matter to lure or entice domestic animal to consume substance, action is Class C misdemeanor notwithstanding on whose property substance is placed. TCA 704-125. by \*Windle (SB1444 by \*Fowler).

Speaker Naifeh requested that House Bill No. 321 be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 849 -- Penal and Reformatory Institutions --** Requires superintendent, director or warden of prison, jail or workhouse to inform employees who come in contact or physically interact with or are at risk for potential exposure to inmates known to have infectious diseases; information is confidential and does not authorize release of information to public. Amends TCA Title 41, Chapter 51, Part 1. by \*Windle (\*SB757 by \*Elsea).

Speaker Naifeh requested that House Bill No. 849 be moved to the heel of the Calendar, which motion prevailed.

**\*House Bill No. 103 -- Game and Fish Laws --** Allows mentally retarded persons receiving social security benefits to acquire sport fishing license without paying fee. Amends TCA 70-2-104. by \*Windle (SB392 by \*Burks).

Speaker Naifeh requested that House Bill No. 103 be moved to the heel of the Calendar, which motion prevailed.

**\*House Bill No. 497 -- Evidence --** Establishes rule of evidence that no married person has privilege to refuse to take witness stand solely because such person's spouse is a party; makes confidential communications between married persons privileged if either party objects. Amends TCA Title 24, Chapter 1. by \*Buck (SB1394 by \*Gilbert).

Rep. Buck requested that House Bill No. 497 be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 364 -- County Government --** Authorizes county legislative body to rescind enactment of severance tax by resolution

adopted by majority of its members Amends TCA 67-7-201. by  
\*Robinson, \*Cole (Dyer), \*Fowlkes (\*SB170 by \*Womack).

On motion, House Bill No. 364 was made to conform with **Senate Bill No. 170**; the Senate Bill was substituted for the House Bill.

Rep. Robinson moved that Senate Bill No. 170 be reset to the Calendar for March 22, 1995, which motion prevailed.

**\*House Bill No. 366 -- Probation -- Clarifies that probation officer may execute probation revocation arrest warrant regardless of whether defendant is on probation for misdemeanor or felony or whether the warrant is issued by general sessions court judge or judge of a court of record. Amends TCA Title 40, Chapter 35, Part 3; Title 40, Chapter 6, Part 2. by \*Robinson (SB807 by \*Henry).**

Rep. Robinson moved that **House Bill No. 366** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96  
Nees..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 366 and have this statement entered in the Journal: Rep(s). Windle.

#### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 1274 -- Motor Vehicles -- Changes reporting date for motor vehicle dealer to report previous year's sales from February 15 to March 1. Amends TCA Title 55, Chapter 17, Part 1. by \*Windle, \*Davis, \*Stamps, \*Cantrell, \*Ford, \*Sharp, \*Ramsey, \*Buck, \*McDaniel, \*Givens, \*Callicott, \*Lewis, \*Cole (Dyer), \*Winningham, \*Curtiss (SB1699 by \*Burks, \*Haun).**

On motion, House Bill No. 1274 was made to conform with **Senate Bill No. 1699**; the Senate Bill was substituted for the House Bill.

Rep. Cole (Dyer) moved that Senate Bill No. 1699 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Buck moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Cole (Dyer) moved that **Senate Bill No. 1699** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97  
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 1699 and have this statement entered in the Journal: Rep(s). Windle.

#### REGULAR CALENDAR, CONTINUED

**House Bill No. 152** -- Salaries and Benefits -- Authorizes eligible full time state employees with 36 months of full time service to receive longevity pay for prior part time work if hours of part time work are equivalent to not less than five years. Amends TCA 8-23-206. by \*Stulce (\*SB148 by \*Crutchfield).

On motion, House Bill No. 152 was made to conform with **Senate Bill No. 148**; the Senate Bill was substituted for the House Bill.

Rep. Stulce moved that Senate Bill No. 148 be passed on third and final consideration.

On motion, Rep. Jones, R (Shelby) withdrew State and Local Government Committee Amendment No. 1.

Rep. Stulce moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Stulce moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Stulce moved that **Senate Bill No. 148** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95  
Noes..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Joyce -- 1.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 148 and have this statement entered in the Journal: Rep(s). Windle.

#### REGULAR CALENDAR, CONTINUED

**House Bill No. 938** -- Appropriations -- Extends for period of five years Tennessee Intercollegiate State Legislature Foundation's present authority to carry unexpended state appropriated funds forward into subsequent fiscal years. Amends TCA 493-2002. by \*Garrett, \*Hassell, \*Kernell, \*Williams (Williamson) (\*SB1451 by \*Person, \*Leatherwood, \*Henry, \*Harper).

Further consideration of House Bill No 938, previously considered on March 15, 1995, March 16, 1995 and reset for today's Calendar.

Rep. Purcell moved that House Bill No. 938 be reset to the Calendar for Monday, March 27, 1995, which motion prevailed.

**\*House Bill No. 321** -- Animals -- Expands present law creating Class C misdemeanor to place poisonous substance causing death or injury to animals on property of another; if person knowingly places matter to lure or entice domestic animal to consume substance, action

is Class C misdemeanor notwithstanding on whose property substance is placed. TCA 704-125. by \*Windle (SB1444 by \*Fowler).

Further consideration of House Bill No. 321, previously considered on today's Calendar.

Rep. Windle moved that House Bill No. 321 be reset to the Calendar for Wednesday, March 22, 1995, which motion prevailed.

**House Bill No. 849** -- Penal and Reformatory Institutions -- Requires superintendent, director or warden of prison, jail or workhouse to inform employees who come in contact or physically interact with or are at risk for potential exposure to inmates known to have infectious diseases; information is confidential and does not authorize release of information to public. Amends TCA Title 41, Chapter 51, Part 1. by \*Windle (\*SB757 by \*Elsea).

Further consideration of House Bill No. 849, previously considered on today's Calendar.

Rep. Windle moved that House Bill No. 849 be reset to the Calendar for Wednesday, March 22, 1995, which motion prevailed.

**\*House Bill No. 103** -- Game and Fish Laws -- Allows mentally retarded persons receiving social security benefits to acquire sport fishing license without paying fee. Amends TCA 70-2-104. by \*Windle (SB392 by \*Burks).

Further consideration of House Bill No. 103, previously considered on today's Calendar.

Rep. Windle moved that House Bill No. 103 be reset to the Calendar for Wednesday, March 22, 1995, which motion prevailed.

**\*House Bill No. 497** -- Evidence -- Establishes rule of evidence that no married person has privilege to refuse to take witness stand solely because such person's spouse is a party; makes confidential communications between married persons privileged if either party objects. Amends TCA Title 24, Chapter 1. by \*Buck (SB1394 by \*Gilbert).

Further consideration of House Bill No. 497, previously considered on today's Calendar.

Rep. Buck moved that House Bill No. 497 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 497 by adding the following to Section 1, paragraph (b):

This communications privilege shall not apply to proceedings between spouses or to proceedings concerning abuse

of one (1) of the spouses or abuse of a minor in the custody of or under the dominion and control of either spouse, including but not limited to proceedings arising under Title 36, Chapter 1, Part 1; Title 37, Chapter 1, Parts 1, 4 and 6; Title 37, Chapter 2, Part 4; and Title 71, Chapter 6, Part 1. On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 497 by adding the following to the end of subsection (b):

This confidential communications privilege shall not apply to any insured's obligations under a contract of insurance in civil proceedings.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved that **House Bill No. 497**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Bird, Cantrell -- 2.

A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

On motion, Rep. Walley moved that House Joint Resolution No. 144 be placed on the Regular Calendar for Wednesday, March 22, 1995, which motion prevailed.

**BILLS WITHDRAWN**

On motion of Rep. Whitson, **House Bill No. 870** was recalled from the Commerce Committee and withdrawn from the House.



**RULES SUSPENDED**

Rep. DeBerry L moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 169 out of order, which motion prevailed.

**House Joint Resolution No. 169** -- Memorials, Recognition and Thanks--National Black Presbyterian Caucus. by \*DeBerry L.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. DeBerry L, the resolution was adopted.

A motion to reconsider was tabled.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 144:** Rep(s). Bell as prime sponsor(s).

**House Bill No. 1:** Rep(s). Bird, Stamps and McDonald as prime sponsor(s).

**House Bill No. 10:** Rep(s). McDonald as prime sponsor(s).

**House Bill No. 103:** Rep(s). Boyer as prime sponsor(s).

**House Bill No. 169:** Rep(s). Brown as prime sponsor(s).

**House Bill No. 406:** Rep(s). Cole (Dyer), Byrd, Hargrove, Lewis, Joyce, McKee, Newton, Williams (Union), Eckles, Brown, Boyer, Ford, Ridgeway, McDaniel, Pinion, Robinson, Westmoreland, Givens, Phelan, Peach, Buck, Callicott, Clabough, Hicks, Venable, Pruitt and Bell as prime sponsor(s).

**House Bill No. 555:** Rep(s). Haley as prime sponsor(s).

**House Bill No. 584:** Rep(s). Stamps as prime sponsor(s).

**House Bill No. 652:** Rep(s). Boyer, Burchett, Dunn and Tindell as prime sponsor(s).

**House Bill No. 681:** Rep(s). Stamps, McDaniel, Odom, Purcell, Bittle, Ridgeway, Rinks, Hargrove and Halteman Harwell, as prime sponsor(s).

**House Bill No. 971:** Rep(s). McMillan as prime sponsor(s).

**House Bill No. 1373:** Rep(s). Stulce as prime sponsor(s).

**House Bill No. 1374:** Rep(s). Stulce as prime sponsor(s).

**House Bill No. 1376:** Rep(s). Stulce as prime sponsor(s).

**House Bill No. 1437:** Rep(s). West as prime sponsor(s).

House Bill No. 1451: Rep(s). Kernell as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). McDaniel was/were removed as sponsor(s) of House Bill No. 25.

**MESSAGE FROM THE SENATE**

**March 20, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 147; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**March 20, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 169.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**March 20, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 497.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**March 20, 1995**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 171, 172, 366, 383, 667, 1023, 1024, 1234, 1439, 1832, 1833, 1834, 1836, 1838 and 1841; also, House Joint Resolution(s) No(s). 66.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**March 20, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 153, 160 and 169; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 20, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 297, 491 and 1189; also, House Joint Resolution(s) No(s). 113, 116, 134, 136, 137, 138, 139, 140, 142, 145, 146, 148, 154 and 155; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present..... 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, March 22, 1995.